

DETAILED ACTION

EXAMINER'S AMENDMENT

1. Applicants' amendments of 06/03/2009 have been entered in full.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susie S. Cheng on 7/29/2009.

The application has been amended as follows:

In the claims—

Claims 102-121. Canceled.

Claim 123. A method of increasing the population of T lymphocytes in a subject, comprising administering Bv8, or a combination of Bv8 and EG-VEGF to a subject following treatment of the subject with an immunosuppressive agent, radiation, or chemotherapy, wherein said Bv8 comprises at least 80% 90% amino acid identity with SEQ ID NO:2 or SEQ ID NO:4 and induces the production of T lymphocytes and wherein said EG-VEGF comprises at least 90% amino acid identity with SEQ ID NO:8 or amino acids 20-105 of SEQ ID NO: 8 and induces the production of T lymphocytes.

3. The following is an examiner's statement of reasons for allowance: Applicants' amendments and arguments filed on 06/03/2009 have been fully considered and, together with the Examiner's amendment herein, are deemed to be persuasive to overcome the rejections

previously applied. Specifically, the amendment of claim 78 to recite “the amino acid sequence...” overcomes the rejection of that claim under 35 U.S.C. 112, first paragraph. The amendment of claims 72, 123, and 126 to recite 90% amino acid identity with SEQ ID NO:2 or SEQ ID NO:4 places the claims within the scope of enablement set forth in the office action of 12/03/2008. The amendment of claims 72 and 123 to recite administering Bv8, or a combination of Bv8 and EG-VEGF, overcomes the rejection over prior art of record. The amendments to the drawings and specification overcome the objections of record. All rejections and/or objections not reiterated from previous office actions are hereby withdrawn. Claims 72, 74-76, 78-81, 83-85, and 123-128 are allowed.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C. Gamett, PhD., whose telephone number is (571)272-1853. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Manjunath N. Rao can be reached on 571 272 0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel C Gamett/
Examiner, Art Unit 1647

